

**GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU**

MICHAEL EDWARD KRAFT
PETITIONER

V.

LUMA ENERGY SERVCO, LLC
RESPONDENT

CASO NÚM.: NEPR-RV-2023-0019

ASUNTO: Final Resolution and Order of
Formal Revision of Electric Bill

FINAL RESOLUTION AND ORDER

I. Introduction and Procedural Background

On February 10, 2023, the Petitioner, Michael Edward Kraft, filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a Complaint against LUMA Energy Servco, LLC ("LUMA"), which initiated the instant case.

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The Petitioner timely objected his November 11, 2022, electric bill for the amount of \$8.34 before LUMA. On January 11, 2023, LUMA denied the Petitioner informal objection. The Petitioner timely filed before the Energy Bureau the instant Complaint where he alleges that LUMA did not correctly credit his account with the excess kilowatts produced in his net metering system and that the yearly remanent amount was calculated incorrectly. The Petitioner filed the complaint under the dispositions of Act 57-2014¹ and Regulation Number 8863².

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The Administrative Hearing in the instant case was held via video teleconference on June 22, 2023. At the hearing was present the Petitioner and LUMA represented by attorney Juan Méndez, accompanied by Jesús Aponte Toste, LUMA's Billing Supervisor. During the hearing, Attorney Méndez raised the fact that the electric bill objected by the Petitioner was the November 11, 2023, bill, yet in his Complaint he filed allegations relating to net metering which were reflected in a previous bill. The Petitioner clarified that his objection was strictly as to, that LUMA did not correctly credit his account with the excess kilowatts produced in his net metering system and that the yearly remanent amount was calculated incorrectly not the amount charged in the November bill.

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Considering the above, the Petitioner requested the voluntary dismissal of his claim to which LUMA had no objection. The parties decided to privately meet after the hearing to discuss the net metering issues the Petitioner had claimed in his Complaint and over which the Energy Bureau did not have jurisdiction.

II. Applicable Law and Analysis:

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Section 6.4. (a)(3) of Act 57-2014 states that the Bureau shall have primary and exclusive jurisdiction over cases and disputes regarding noncompliance with the public policy on energy of the Commonwealth of Puerto Rico. To that end, Article 1.2(p) establishes as public policy that "Electricity bill or service disputes shall be resolved equitably and diligently." Section 6.4. (a)(2) further extends the primary and exclusive jurisdiction over cases and disputes related to the review of the electricity bills sent by electric power companies to its customers for electric power services.

¹ Puerto Rico Energy Transformation and RELIEF Act, as amended.

² Regulation on the Procedure for Bill Review and Suspension of Electric Service Due to Failure to Pay, December 1, 2016.



Section 6.3 (nn) of Act 57-2014 establishes that the Bureau shall have the power and duty to “File recourses, issue orders, and seek and grant any legal remedies that may be necessary to enforce the provisions of this Act, as well as its rules, regulations, orders, and determinations”. To that end subsection (4) of said Section (nn) establishes, inter alia, that the Energy Bureau can direct that all actions shall be taken in compliance with the provisions of this Act, the regulations of the Bureau, or any other legal provision whose interpretation and compliance is under the jurisdiction of the Bureau. Farther more, Section 3.01 of Regulation 8543³ establishes that every person with standing may file a claim before the Energy Bureau in relation to any matter under its jurisdiction.

Also, Section 12.01 of Regulation 8543⁴ establishes that “the Bureau may issue any order or resolution if it is necessary to give effect to the purposes of Act number 57-2014, as amended, to compel compliance with any law whose interpretation and implementation is subject to the jurisdiction of the Bureau, and to enforce its rules, regulations orders and decisions.”

Section 4.03 of Regulation 8543 establishes the norms and requirements for voluntary dismissals in the adjudicative processes before the Bureau. Said section under subsection (A) establishes that a petitioner may renounce their claim by either:

- 1) By submitting a motion for voluntary dismissal at any time before respondent files and answer to the complaint, motion to dismiss or motion for summary judgment, whichever occurs first; or
- 2) By stipulation signed by all parties to the case, at any time during the proceedings.

Considering the above, during the Administrative Hearing Petitioner requested the voluntary dismissal of his claim to which LUMA had no objection.

III. Conclusion

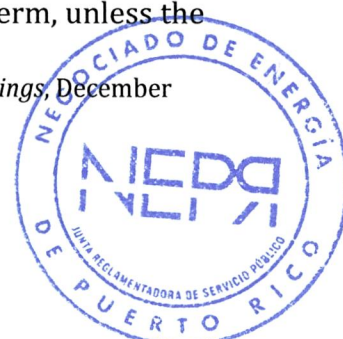
Based on the above, the Energy Bureau **GRANTS** the voluntary dismissal of the complaint requested by the Petitioner and **ORDERS** the closing of this matter.

Any party adversely affected by this Final Resolution and Order may file a motion for reconsideration before the Energy Bureau, pursuant to Section 11.01 of Regulation 8543 and the applicable provisions of Act 38-2017, as amended, known as the Uniform Administrative Procedure Act of the Government of Puerto Rico (“LPAU”, for its Spanish acronym). Said motion must be filed within twenty (20) days from the date in which copy of this Final Resolution and Order is notified and such notice is filed in the case docket by the Energy Bureau's Clerk. Any motion for reconsideration must be filed at the Energy Bureau Clerk's Office, located at the World Plaza Building, 268 Muñoz Rivera Ave., San Juan, PR 00918. Also, such request can be filed through the Energy Bureau's electronic filing tool at: <https://radicacion.energia.pr.gov>. Copy of the motion as filed must be sent by email to all parties notified of this Final Resolution and Order within the twenty (20) days established herein.

The Energy Bureau shall have fifteen (15) days from the date in which such motion is filed to consider it. If the Energy Bureau rejects it forthright or fails to consider it within said period of fifteen (15) days, the term to seek judicial review shall begin on the date in which the Energy Bureau notifies its rejection or the date in which said fifteen (15) days expire, whichever occurs first. If the Energy Bureau considers the motion, the term to seek judicial review shall commence from the date a copy of the notice of the Energy Bureau's resolution definitively resolving the motion for reconsideration is notified and copy of such notice is filed by the Energy Bureau Clerk. The Energy Bureau shall have ninety (90) days from the date the motion for reconsideration was filed to issue a final determination. If the Energy Bureau considers the motion for reconsideration but fails to take any action with respect to such motion within ninety (90) days of its filing, it shall lose jurisdiction and the term to seek judicial review shall commence upon the expiration of said ninety (90) day term, unless the

³ Regulation on Adjudicative Notice of Non-Compliance Rate Review and Investigation Proceedings, December 18, 2014.

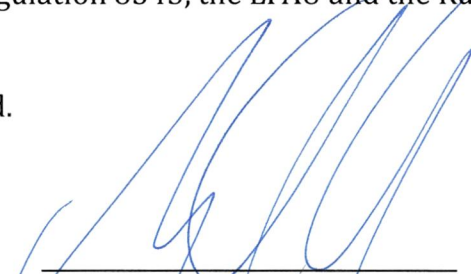
⁴ *Id.*



Energy Bureau, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) days.

In the alternative, any affected party may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date a copy of the notice of this Final Resolution and Order was notified and copy of such notice was filed by the Energy Bureau's Clerk. Filing and notice of a petition for review before the Court of Appeals shall be made pursuant to the applicable provisions of Regulation 8543, the LPAU and the Rules of the Puerto Rico Court of Appeals.

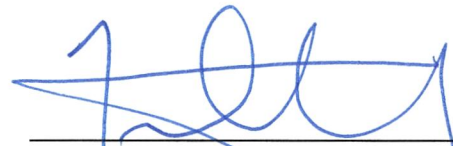
Be it notified and published.



Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner



Antonio Torres Miranda
Associate Commissioner


CERTIFICATION:

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau so agreed on August 14, 2023. I further certify that on August 14, 2023, I have proceeded with the filing of this Final Resolution and Order in relation to Case No. NEPR-RV-2023-0019, and that it was notified by email to: juan.mendez@lumapr.com, mick.kraft@outlook.com, and by regular mail to:

Luma Energy Servco, LLC
Lcdo. Juan Méndez Carrero
PO Box 364267
San Juan, PR 00936-4267

Michael Edward Kraft
HC 7 Box 30100
Juana Díaz, PR 00795-9730

For the record, I sign this in San Juan, Puerto Rico, today, August 14, 2023.



Sonia M. Seda Gaztambide
Clerk

